IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8443 of 2005

Between:

1 The Backward Classes Co-op Housing Society Ltd., Fertilizer City, Ramagundam Mandal, Karimnagar District, (Regn.No.563/TQ), rep. by its President, Sri Anuma Bhadraiah, S/o. Narasaiah, 50 years
2 T.Shankaraih S/o. Ramaiah presently the Treasurer of the 1st Petitioner Society, R/o Jyothi Nagar, Ramagundam, Karimnagar District.

..... PETITIONERS

AND

1 The Government of A.P., rep. by its District Collector, Karimnagar District at Karimnagar.
2 The Revenue Divisional Officer, Peddapalli, Karimnagar District.
3 The Mandal Revenue Officer, Ramagundam Mandal, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ, order or direction more in the nature of Writ of Mandamus, declaring the action of the respondents in trying to dispossess the petitioner from the lands situate in Sy.No.285 and 286 to an extent of Ac.4.37gts.and Ac.3.00 respectively situate at Madipally PM village of Ramagundam Mandal in Karimnagar District without following the procedure and without putting on notice or opportunity to substantiate their claim as being illegal, arbitrary, violative of principles of natural justice, besides Articles 14, 16,21 and 300-A of the Constitution of India, and consequently direct the respondents not to dispossess the petitioner from the above referred property without following the due process of law, and pass such other order or orders.

Counsel for the Petitioner : MR. MEHERCHAND NOORI

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8443 OF 2005

ORDER:

The 1st petitioner claims to be a Registered Society. It is stated that the said Society purchased the land to an extent of Ac.4.37 guntas and Ac.3.00 situated in Sy.Nos.285 and 286 respectively at Medipally PM Village of Ramagundam Mandal in Karimnagar District under Registered Sale Deeds and has been continuing in possession and enjoyment of the same. It is alleged that on 9-4-2005 the third respondent – Mandal Revenue Officer and his subordinates trespassed into the land in question and started taking measurements of the land stating that the said land is required for a public purpose for allotment to the weaker sections. It is also alleged that the respondents have warned the petitioners not to raise any constructions nor to develop the same since the said land is identified for allotment to the weaker sections under the policy of the Government. Aggrieved by the said action, this writ petition is filed contending that the respondents are not entitled to interfere with the possession of the petitioners without giving any notice to the petitioners and without following the procedure as contemplated under the Land Acquisition Act. Hence, this writ petition seeking a declaration that the action of the respondent is arbitrary,

illegal and violative of the Articles 14, 16, 21 and 300-A of the Constitution of India.

Having heard the learned Counsel for the petitioners and the learned Government Pleader for Land Acquisition appearing for the respondents, without expressing any opinion as to the ownership claimed by the petitioners, the Writ Petition is disposed of with a direction to the respondents not to dispossess the petitioners from the land in question without following due process of law. No costs.

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15th April, 2005.

Note:- CC in 3 days.

(B/O)

gbs

To

1 The District Collector, Government of A.P., Karimnagar District at Karimnagar.
2 The Revenue Divisional Officer, Peddapalli, Karimnagar District.

3 The Mandal Revenue Officer, Ramagundam Mandal, Karimnagar District.

4. Two CCs to G.P. for Revenue, High Court of AP BLdgs, Hyderabad (OUT).

5. Two CD copies.